



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,154	07/14/2003	James Patrick Griffin JR.	16383-2	6780
1059 7590 07/14/2009 BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l. 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA				
EXAMINER STRIMBU, GREGORY J				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 07/14/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,154

Applicant(s)

GRIFFIN, JAMES PATRICK

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009 and 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-46, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-46, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

The drawing correction filed December 6, 2006 has been approved.

Claim Rejections - 35 USC § 112

Claims 40-46, 48 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "any portion of the lockset protruding through the front surface of the door" on lines 25-26 of claim 40 render the claims indefinite because it is unclear whether or not the applicant is referring to the portion of the lockset protruding through the front surface of the door. Recitations such as "a locking member" on lines 2-3 of claim 48 render the claims indefinite because it is unclear whether or not the applicant is referring to the locking member set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton (US 3271919) in view of British Patent Application No. 2 265 664. Olton discloses a security combination for a doorway comprising:

a door D sized and shaped to fit within a door frame, the door having a front surface 11, a rear surface 12, a top surface (not numbered, but shown in figure 1), a bottom surface (not numbered, but shown in figure 1), a free vertical edge portion (not numbered, but shown in figure 1), and a hinged vertical edge portion (not numbered, but shown in figure 1), the free vertical edge portion comprising at least one lockset (not numbered, but shown in figure 1) having a portion (not numbered, but comprising the handle) protruding through the front surface of the door and having a locking member (not numbered, but comprising the latch as shown in figure 1),

a first U-shaped reinforcing member 14a (see figure 9) capable of being securely affixed to the free vertical edge portion of the door, said reinforcing member comprising a metal material (see column 5, lines 26-30), extending substantially along the full length of the free vertical edge portion of the door, having at least one opening (not numbered, but shown in figure 1) for passage of the locking member from the at least one lockset having a locking member, and comprising a base member 17a and two substantially perpendicularly positioned side members 15 and 16, each of the side members being generally rectangular and extending substantially along the free vertical edge portion of the door and having a proximal edge connected to the base member and a distal edge wherein the distal edge of each of the side members does not extend in a horizontal direction from the free vertical edge portion towards the hinged vertical edge portion beyond any portion of the lockset protruding through the front surface of the door as shown in figure 1, and

wherein the first U-shaped reinforcing member is over-bend mounted to the free vertical edge portion of the door (see column 5, lines 54-74) so that the first U-shaped reinforcing member engages the free vertical edge portion of the door without being screwed to the door, wherein force applied against the front or rear surface of the door will be transmitted through the locking member to the door frame. The first reinforcing member is comprised of stainless steel as set forth in column 5, lines 34-36 (claims 43 and 44). Olton is silent concerning a door frame and a second reinforcing member.

However, British Patent Application No. 2 265 664 discloses a security combination comprising a door frame (not numbered, but shown in figure 5) having at least one opening (not numbered, but shown in figure 4) to receive a locking member 21 and a second reinforcing member 10 capable of being securely affixed to the door frame, said second reinforcing member having at least one opening 15 for passage of the locking member 21 from at least one lockset having a locking member. The at least one lockset is a deadbolt locking set and the locking member 21 is a deadbolt (claim 41). The at least one lockset further comprises a door latch set and the locking member is a door latch (not numbered, but shown attached to the handle in figure 4) (claim 42). The second reinforcing member is comprised of steel as set forth line 33 of page 8 to line 1 of page 9 (claims 43 and 44).

It would have been obvious to one of ordinary skill in the art to provide Olton with a door frame, second member and lockset, as taught by British Patent Application No. 2 265 664, to increase the security of the door system.

Finally, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the second reinforcing member with a length of from about 12 inches to substantially the full length of the free vertical edge portion of the door to provide the necessary reinforcement.

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 as applied to claims 40-44 above, and further in view of Stein (US 5475044). Stein discloses a silicon adhesive.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing members to the door assembly.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 as applied to claims 40-44 above, and further in view of Francis (US 4865370). Francis discloses a second reinforcing member 60 having a tubular member 66 to receive a locking member.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a tubular member, as taught by Francis, to further increase the strength of the security system.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olton in view of British Patent Application No. 2 265 664 as applied to claims 40-44 above, and further in view of Zarzycki (US 6406076). Zarzycki discloses a metal door 202.

It would have been obvious to one of ordinary skill in the art to provide Olton, as modified above, with a metal door, as taught by Zarzycki, to increase the strength of the door and therefore the strength of the security door assembly.

Response to Arguments

Applicant's arguments filed February 3, 2008 have been fully considered but they are moot in view of the new grounds of rejection. Additionally, the declaration of Christopher William Campagnaro is not persuasive in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634